

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

STONY POINT LAND, INC.)
)

Debtor

Case No. 10-31740-KRH
Chapter 11

STONY POINT LAND, INC.

Plaintiff,
v.
Case No. 10-03104-KRH
Adversary Proceeding

SIMONS HAULING CO., INC.

Defendant

ANSWERS FROM THE DEFENDANT REGARDING DISCOVERY AND
INTERROGATORIES

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INTERROGATORIES

1. State the names of all owners and/or persons employed by Simons who were involved in any part of the construction performed by or for Stony Point on the Riverwatch Subdivision Project in the City of Richmond, Virginia that is the subject in this action ("the Project). In addition, state the task or responsibility of each person.

ANSWER:

Joseph A. Simons, IV

Vice President, Project Management
Oversee Daily operations and Management of Project
All aspects as it pertains to "Riverwatch Subdivision Project"

R. Wayne Greenwood

Vice President, Project Management
Oversee Daily operations and Management of Project
All aspects as it pertains to "Riverwatch Subdivision Project"

Christopher J. Simons

Project Superintendent
Oversee Daily operations and Management of Project
All aspects as it pertains to "Riverwatch Subdivision Project"

*** Address for Listed Above***

4510 Oakleys Lane / P.O. Box 77733
Henrico VA 23231

(804)222-6222

2. List the names and addresses of all subcontractors of Simons who performed work or provided Labor or materials (“the Work”) on the project (“The Subcontractors”). In addition, state the nature of the work each Subcontractor performed and/or provided, and the dates during which such Work performed and/or provided.

ANSWER:

See Attachment I

Attachment

I

Americast
P.O. Box 386
Ashland, VA 23005

BMG Metals
P.O. Box 7536
950 Masonic Lane
Richmond, VA 23223

Blasting Services, Inc.
P.O. Box 6070
Ashland, VA 23005

Chris Simons
1773 East River Road
King William, VA 23086

Colonial Construction Materials, Inc.
P.O. Box 333
1071 Merchants Lane
Oilville, VA 23129

Joseph A. Simons
9523 Alexgarden Court
Mechanicsville, VA 23116

Hanson Pipe
P.O. Box 842481
Dallas, TX 75284-2481

Herod Seeds
1400 Ingram Ave.
Richmond, VA 23224

Home Depot
P.O. Box 6029
The Lakes, NV 88901-6029

James River Equipment
11047 Leadbetter Road
Ashland, VA 23005

Atwood's Printing
P.O. Box 802
Sandston, VA 23150

Luckstone
P.O. Box 29871
Richmond, VA 23242-0871

Martin Marietta
P.O. Box 75328
Charlotte, NC 28275

Pleasants Hardware
2024 W. Board Street
P.O. Box 5327
Richmond, VA 23220

Portable Sanitation Service
9165 Ivy Banks Drive
Mechanicsville, VA 23116

Powhatan Ready Mix
P.O. Box 198883
Atlanta, GA 30384-8883

United Rentals
P.O Box 100711
Atlanta, GA 30384-0711

Shade & Wise
2010 Dabney Road
Richmond, VA 23230

Southern States
P.O. Box 4450
Carol Stream, IL 60197-4450

Sunbelt Rentals
P.O. Box 409211
Atlanta, GA 30384-9211

Vulcan Materials
P.O. Box 75219
Charlotte, NC 28275-0219

Water Works
8000 Midlantic Drive
Suite 200N
Mt. Laurel, NJ 08054

Pryor Hauling
4509 Pouncey Tract Road
Glen Allen, VA 23059

R. Wayne Greenwood
2568 Bruington Road
Bruington, VA 23023

Spanish Quality Concrete
P.O. Box 28783
Richmond, VA 23228

Lisa Simons
9523 Alexgarden Court
Mechanicsville, VA 23116

P.T.D., Inc.
4701 Dogwood Oaks
Richmond, VA 23231

Lee-Hy Paving
P.O. Box 5036
Glen Allen, VA 23058-5036

Southern Construction
P.O. Box 667
Petersburg, VA 23804

3. For each Subcontractor on the Project:

- a.) State the date and amount of each invoice for services and/or materials at the Project;
- b.) State the date and amount of each payment for services and/or materials to the Project; and
- c.) State the amounts that you believe remain due to each Subcontractor and/or Supplier on the Project.

ANSWER:

Spanish Quality Concrete Services

A.) 6/20/08 \$25,704.00
6/21/08 \$ 7,546.00
B.) Paid Direct to Subcontractor by Owner to Satisfy Lien by Spanish Quality
C.) Zero

Blasting Services Inc.

A.) 7/12/07 \$18,308.40
B.) 10/19/07 \$16,447.56
C.) Retainage \$ 1,830.84

Southern Construction

A.) 11/05/07 \$55,150.00
12/10/07 \$70,375.00
12/21/07 \$13,720.00

B.) 01/18/08 \$49,635.00
02/01/08 \$63,337.50
03/07/08 \$12,348.00
03/30/10 \$14,505.26

C.) Zero

4.
 - a.) Identify all expert witnesses you have engaged to testify at the trial of this cause.
 - b.) State the substance of any opinion testimony that the expert is expected to give at the trial of this cause, and the bases and reasons therefore.
 - c.) State the specific facts and data considered in forming such opinions.

ANSWER:

See answer and response supplied in Interrogatory #1

5. State the name and address of all persons having knowledge of the facts alleged in the Complaint filed by Stony Point regarding the Project, and/or who have knowledge of the work performed by or for Simons at the Project. For each such person, state generally the topics of which such person has knowledge.

ANSWER:

See answer and response supplied in Interrogatory #1

6. a) State the date and amount of each invoice, Application for Payment, or other request for funds submitted by or on behalf of Simons to Stony Point in connection with the Project.

b) State the date and amount that Simons contends remains due on the Project, and describe the calculation of such amount, including all items included therein.

ANSWER:

A.)

<u>Invoice</u>	<u>Date</u>	<u>Amount</u>	<u>Date Paid</u>	<u>Amount</u>
1	2/28/07	\$36,971.55		
2	3/31/07	\$45,214.34		
3	4/30/07	\$77,060.57		
4	5/20/07	\$73,746.21	5/29/07	\$82,158.89
5	6/30/07	\$33,085.71	6/10/07	\$77,060.57
6	7/31/07	\$19,005.98	6/28/07	\$73,746.21
7	9/30/07	\$82,787.18	8/20/07	\$33,085.00
8	11/30/07	\$120,274.56	9/16/07	\$19,005.98
9	12/30/07	\$72,730.38		
10	1/31/08	\$29,918.82	1/11/08	\$203,061.74
11	4/30/08	\$47,396.25	2/17/08	\$72,730.38
12	5/31/08	\$ 8,067.80		
13	5/31/08	\$19,625.96		
14	6/30/08	\$60,383.97	6/16/08	\$29,919.00
15	7/31/08	\$44,495.90		

B.) Total Amount Due Simons = **\$194,567.50**

**** This amount reflects actual amount due Simons after deductions and credits for paving and subs and suppliers the Owner satisfied. It does not include interest on unpaid balances, legal fees and from damage.

See Attachment II

Attachment

II

Break Down and Calculations of Claim

<u>1.)</u>	<u>\$853,982.95</u>	<u>Original Contract</u>
	\$77,107.69	Change Orders
	<u>\$931,090.64</u> (\$590,767.77)	<u>New Contract Amount</u> Paid to Date to Simons
	<u>\$340,322.87</u> (\$39,676.88) (\$14,024.23) (\$33,250)	<u>Outstanding Due Simons</u> Americast Paid by Owner to Subs and Suppliers Martin Marietta Paid by Owner to Subs and Suppliers Spanish Quality Paid by Owner to Subs and Suppliers
	<u>\$253,371.76</u> (\$49,406.51) (\$9,397.76)	<u>Outstanding Due Simons</u> Paving Credit Due Owner per Contract Value Waste Dirt Credit Due Owner per Contract Value
	<u>\$194,567.49</u>	<u>Actual Outstanding Contract Balance Due Simons hauling Co., I</u>

7. a) Describe and itemize in full and complete detail all of the Work that Simons and/or its Subcontractors performed at the Project, and all of the materials that Simons and/or its Subcontractors or Suppliers provided to the Project, including estimation of the percentage of completion of the Project at the time Simons last performed work at the Project.

b) Describe and itemize in full and precise detail all of the labor and materials that you believe remained to be provided to, and/or performed at, the Project as of the last date that Simons provided any labor or materials.

ANSWER:

A.) Percentage of work completed when Simons last performed work was 95%.

See Attachment III for a Schedule of Values and a description of the items requested of work performed and required including Materials.

B.) Paving – To be performed by a Paving Subcontractor.

Value of this work per contract was \$49,406.51

Excess Dirt Stockpile - Based on previous certificates for payment this remaining work was valued at \$9,397.76.

The labor and equipment required for this work would be for hire trucks to transport the material off site and one excavator and one operator to load the trucks.

Attachment

III

Project: Riverwatch

ITEM	DESCRIPTION	QTY.	UNIT
1001	MOBILIZATION	1.00	LS
1002	CLEAR AND GRUB	3.50	AC
1003	CLEARING & GRUBBING FOR SANITARY	1.00	LS
1004	DEMOLITION OF EXISTING BUILDING ON-SITE	1.00	LS
1005	SAWCUT ASPHALT FOR SANITARY	25.00	LF
1006	SAWCUT ASPHALT FOR STORM	20.00	LF
1007	CONSTRUCTION ENTRANCE	1.00	EA
1008	SILT FENCE	5,025.00	LF
1009	RIP RAP OP 20X8X24"	24.00	TN
1010	GEOTEXTILE FABRIC	18.00	SY
1011	CUT/FILL W/ONSITE MATERIAL	8,450.00	CY
1012	EXPORT EXCESS	8,716.00	CY
1013	TOPSOIL STRIP & HAUL OFF	1,125.00	CY
1014	REPLACE TOPSOIL	1,977.00	CY
1015	SEEDING	2.40	AC
1016	ASPHALT PAVING	1.00	LS
1017	STONE FOR ASPHALT PAVING 21A	1,600.00	TN
1018	CG-6 CURB AND GUTTER	2,202.00	LF
1019	STONE FOR CURB AND GUTTER-#57	200.00	TN
1020	CG-9 ENTRANCE-4	80.00	SY
1021	PG2-A	10.00	SY
1022	24" RCP CL III	70.00	LF
1023	STM 2, DI-3B, L=4.0', H=4.96	1.00	EA
1024	15" RCP CL III	30.00	LF
1025	STM 4, DI-3B, L=4.0', H=5.06	1.00	EA
1026	15" RCP CL III	75.00	LF
1027	STM 6, MH-1, H=9.1	1.00	EA
1028	15" RCP CL III	99.00	LF
1029	RUN 8, 15" RCP CL III	22.00	LF
1030	RUN 9, 15" RCP CL III	22.00	LF
1031	15" RCP CL III	40.00	LF
1032	TRENCH EXC. WASTE & HAUL OFF	125.00	CY
1033	STONE BEDDING/BACKFILL	250.00	TN
1034	FILTERRA UNITS 6 X 6	5.00	EA
1035	ASPHALT TRENCH REPAIR	11.00	SY

Project: Riverwatch

ITEM	DESCRIPTION	QTY.	UNIT
1036	8" SANITARY PVC	643.00	LF
1037	8" DI	289.00	LF
1038	6" PVC	361.00	LF
1039	6" DI	60.00	LF
1040	6" DI CLEANOUT W/BRASS PLUG	3.00	EA
1041	6" MJ 45 W/ACC	3.00	EA
1042	6X6 MJ WYE W/ACC	3.00	EA
1043	8X6 MJ TEE W/ACC	3.00	EA
1044	6" CLEANOUT W/ BRASS PLUG	10.00	EA
1045	6" WYE W/ACC	10.00	EA
1046	6" 45 BEND W/ACC	10.00	EA
1047	8X6 TEE W/ACC	10.00	EA
1048	SANITARY SERVICE SADDLE TO TIE INTO EXIST	1.00	EA
1049	MH-1 H=9.93	1.00	EA
1050	MH-2 H=26.00	1.00	EA
1051	MH-3 H=5.77	1.00	EA
1052	MH-4 H=9.52	1.00	EA
1053	MH-5 H=8.57	1.00	EA
1054	MH-6 H=7.65	1.00	EA
1055	MH-7 H=6.17	1.00	EA
1056	MH-8 H=6.27	1.00	EA
1057	MH-9 H=10.06	1.00	EA
1058	CONCRETE ANCHORS	10.00	EA
1059	MANHOLE FRAME AND COVERS-	9.00	EA
1060	TRENCH EXC. WASTE	400.00	CY
1061	STONE BEDDING/BACKFILL	650.00	TN
1062	TESTING	1.00	LS
1063	ASPHALT TRENCH REPAIR	15.00	SY
1064	6" PLUG	1.00	EA
1065	2" FLUSHING HYDRANT W/ACC & RESTRAINTS	1.00	EA
1066	6" DI (CL150 PIP)	1,012.00	LF
1067	TIE INTO EXIST. 12" WATERLINE	1.00	EA
1068	FIRE HYDRANT	2.00	EA
1069	6" GATE VALVE AND BOX W/ACC & RESTRAINTS	2.00	EA
1070	6 X 6 HYDRANT TEE W/MEGA LUGS	2.00	EA
1071	DOMESTIC CONNECTION-1" TYPE K COPPER	360.00	LF
1072	6 X 1 CORP STOP & SADDLE	13.00	EA
1073	5/8 METER SERVICE	13.00	EA
1074	MJ 16X 6 TAPPING SLEEVE AND VALVE	1.00	EA
1075	TRENCH EXC. WASTE	200.00	CY
1076	STONE BEDDING/BACKFILL	375.00	TN

Project: Riverwatch

ITEM	DESCRIPTION	QTY.	UNIT
1077	TESTING/FLUSHING	1.00	LS
1078	STREET TIE-IN	1.00	LS
1079	PRESSURE TREATED BARRICADE GATE 18' LF	1.00	LS

ALTERNATE ADD

1	PRIME IF REQUIRED	1.00	SY
2	ROCK EXCAVATION	1.00	CY
3	UNDERCUT & BACKFILL W/DIRT	1.00	CY

EXCLUSIONS:

BONDS - ADD 1.25%
 PERMITS & FEES
 SHEETING & SHORING
 HARD PAN & ROCK EXCAVATION
 SOIL & CONCRETE TESTING
 ELECTRICAL
 IRRIGATION
 LANDSCAPING
 STAKING FOR OTHERS
 PIPE GROUTING
 AS BUILTS
 DUMPSTER WALLS & GATES
 GAS
 STRIPING

AT THE OWNERS' REQUEST, SIMONS HAS DELETED THE SURVEY PORTION OUT OF THIS ESTIMATE THEREFORE, THE OWNER WILL BE RESPONSIBLE FOR ANY AND ALL COSTS FOR RESTAKING AND ANY ADDITIONAL STAKING REQUIRED OR REQUESTED BY SIMONS THROUGHOUT THE PROJECT.

CONTACT INFORMATION:

VULCAN MATERIALS - NEAL THOMAS - 717-9922
 LEE HY PAVING - FRED LUCK - 364-3015
 SPANISH QUALITY - MIQUEL MOREIRA - 501-2333
 HANSON PIPE - FRANK SISK - 233-5542
 AMERICAST - AARON HARDIN - 800-648-2278
 HUGHES - 520-5480
 HYDRO TAP - 590-1981

8. For the entire period during which Simons was providing any labor and materials to the Project,

- a) list each project, other than the Riverwatch Project, in which Simons was providing any labor or materials; and
- b) For each such other project, state the approximate dates during which Simons performed work or provided materials to such project.

ANSWER:

A.)

RIC Terminal Expansion
Security Checkpoint
64/895 Connector Road
Bermuda Road Improvements
Morris Tile
Cedar Run I and 2

B.)

RIC Terminal Expansion
4/4/05 – 3/14/08
Security Checkpoint
7/26/05 – 4/17/07
64/895 Connector Road
7/17/07 – 10/16/08
Bermuda Road Improvements
10/2/06 – 12/6/07
Morris Tile
5/18/08 – 9/23/09
Cedar Run
7/17/07 – 4/7/09
Meadowville Lane
3/15/06 – 5/18/07